

REMARKS

This is a response and amendment directed to the office action mailed May 23, 2005.

The examiner rejected claims 36-38 and 43-45 under 35 U.S.C. 112, second paragraph. These claims have been cancelled.

The examiner also rejected claims 26-38 and 40-45 under 35 U.S.C. 102(b) as being anticipated by Klemm et al. in the Journal of Chromatography, Vol. 438, No. 1, pp. 122-125; claims 36-38 and 40-45 as being anticipated by Shinto Fine KK, JP 2000053502. These claims have been cancelled.

The examiner also rejected claim 37 directed to a metal working fluid base containing the disclosed molecule under 35 U.S.C. 103(a) as being unpatentable over Shinto Fine KK, optionally in view of Ajoku et al. 5,656,670. While claim 37 has been cancelled, the new claims presented herein relate to a metal working fluid.

Neither Shinto Fine KK nor Ajoku et al. disclose or suggest an alkyl or allyl ester containing a bromo-nitro moiety to prevent bio-degradation in a metal working fluid and in particular an oil or emulsion based metal working fluid. Shinto Fine KK discloses an industrial micro-

biocide that can be used to disinfect industrial aqueous systems. Disinfecting is very different than simply preventing bio-degradation. The use suggested by Shinto Fine KK would be dangerous to human workers if used in a metal working fluid. Ajoku et al suggest using 2-bromo-2nitropropane-1-3-diol directly as an antimicrobial. This is well-known in the art and reported by the applicant. There is not suggestion in Ajoku et al. to form an ester, nor is there any suggestion to prevent degradation of a metal working fluid.

For these reasons, the examiner will find that the new claims are allowable. The examiner is respectfully requested to place the case in condition for allowance at his earliest convenience.

Respectfully submitted



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